



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	November 16-138 RZ/P
Case Type	Rezoning & Preliminary Plat
Project Name	Logan's Place

Applicant: Rodney Wilson
16207 Short Lane
Smithville, MO 64089

Owners: Rodney and Susan Wilson
16207 Short Lane
Smithville, MO 64089

Request **Rezoning** from Agricultural (AG) to Ranchette (R-5) District
for with an Agricultural Land Preservation (ALP) Overlay
District

AND

Preliminary Plat approval of Logan's Place

Application Submittal 2016-09-27

Public Notice Published 2016-10-13

Neighbor Letters Sent 2016-10-13

Report Date 2016-10-24

Public Hearing Opened 2016-11-01

REPORT AUTHOR(S) Debbie Viviano, Planner
Kipp Jones, Manager

Recommendation APPROVAL with conditions



Report to Planning & Zoning Commission

Clay County, Missouri

General Information

Site Location: approximately 7803 NE 160th Terrace
Section 22 | Township 53 | Range 32

Site Size: 5.00 Acres

Existing Landuse & Zoning: Agricultural (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – Agricultural (AG) and Residential Rural (R-1) zoned land
- East – Agricultural (AG) zoned land
- South – Agricultural (AG) and Residential Rural (R-1) zoned land
- West – Residential Rural (R-1) and Agricultural (AG) zoned land

Current Conditions:



Courtesy Clay County Assessor,
GIS/Mapping



Courtesy Microsoft® Bing™



Report to Planning & Zoning Commission

Clay County, Missouri

Assessment

Rodney Wilson is requesting **Rezoning** approval from Agricultural (AG) District to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Overlay District of Logan's Place, 5.00 acres and **Preliminary Plat** approval, the proposed subdivision is located at approximately 7803 NE 160th Terrace.

Mr. Wilson would like to split this acreage off from their larger parcel of property to the south for his daughter to build a single-family residence on this proposed 5.00 acre lot.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the NATURAL RESOURCES TIER and within the Smithville Lake Watershed.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier + (Yellow)	Rural Low-Density Tier + (Green)	Urban Services Tier + (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



Report to Planning & Zoning Commission

Clay County, Missouri

Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 90% of the subdivided parcel is preserved, such as in an agriculture deed restriction. Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request complies with the 2008 Comprehensive Plan, as the applicant is proposing an Agricultural Land Preservation (ALP) Overlay District on at least 5+ acres.

Character of the General Neighborhood

Agricultural (AG) zoned land is each direction of the property. Residential Rural District (R-1) (Linda's Meadow First Plat) is located to the west. Owens Estates (AG) and AAA Estates (R-1) subdivisions are located to the north.

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on October 13, 2016. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on October 13, 2016. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



Report to Planning & Zoning Commission

Clay County, Missouri

Outside Agency Review

The Public Water Supply District No. 9 (PWSD #9) has indicated that *"a water main currently runs down to the end of NE 160th Terrace and turns north to serve Owen's Estates. The addition of one home on the existing 4" water main will not pose any problems or hinder us to serve the existing customers."*

The Clay County Highway Department has noted NE 160th Terrace is a chip and seal road surface. The proposed driveway can be placed near the end of the cul-de-sac and access the property outside of the existing ingress/egress easement for Lot 1 of Owen Estates.

The Clay County Public Health Center has given preliminary and final approval.

The Smithville Fire District serves this property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.

Findings

Road Impact Fees (RIF) are required for the additional lot. The estimated total amount of RIF is \$2,062.50 and is subject to change at the time of payment based on the market price of material.

The applicant planned to combine the approximately 26± acres left from the larger parcel with an adjoining piece of property to meet Exemption #1 of Section 151-8.1C of the 2011 Land Development Code. This exemption would have allowed the applicant to combine the two unplatted pieces of land and not abide by the regulations of chapter eight of the Land Development Code. This would have meant that the applicant would not have had to plat the property. During research by staff it was discovered that the southern piece of land of the two pieces to be combined was platted as part of Short Lane Acres. Since that piece of land was platted the applicant would not be able to qualify for an exemption to chapter eight of the Land Development Code. This means the applicant will have to plat the entire parcel and not just the five acre parcel to be divided.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) District to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Overlay District and the **Preliminary Plat** be **Tabled** due to the lack of an approved preliminary plat of the approximately 31.51± acres.

However, if the Planning & Zoning Commission votes to approve, staff recommends the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fees (RIF) agreement recorded and fees paid according to agreement at same time as the recording of the Final Plat.
2. The following corrections to the recording copies of the Final Plat:



Report to Planning & Zoning Commission

Clay County, Missouri

- a. CHANGE: FIRM Community-Panel # 29047C0050 August 3, 2015
- b. CHANGE: 15' U/E to 30' U/E--west and south sides, 15' U/E to 7.5' U/E—north side.



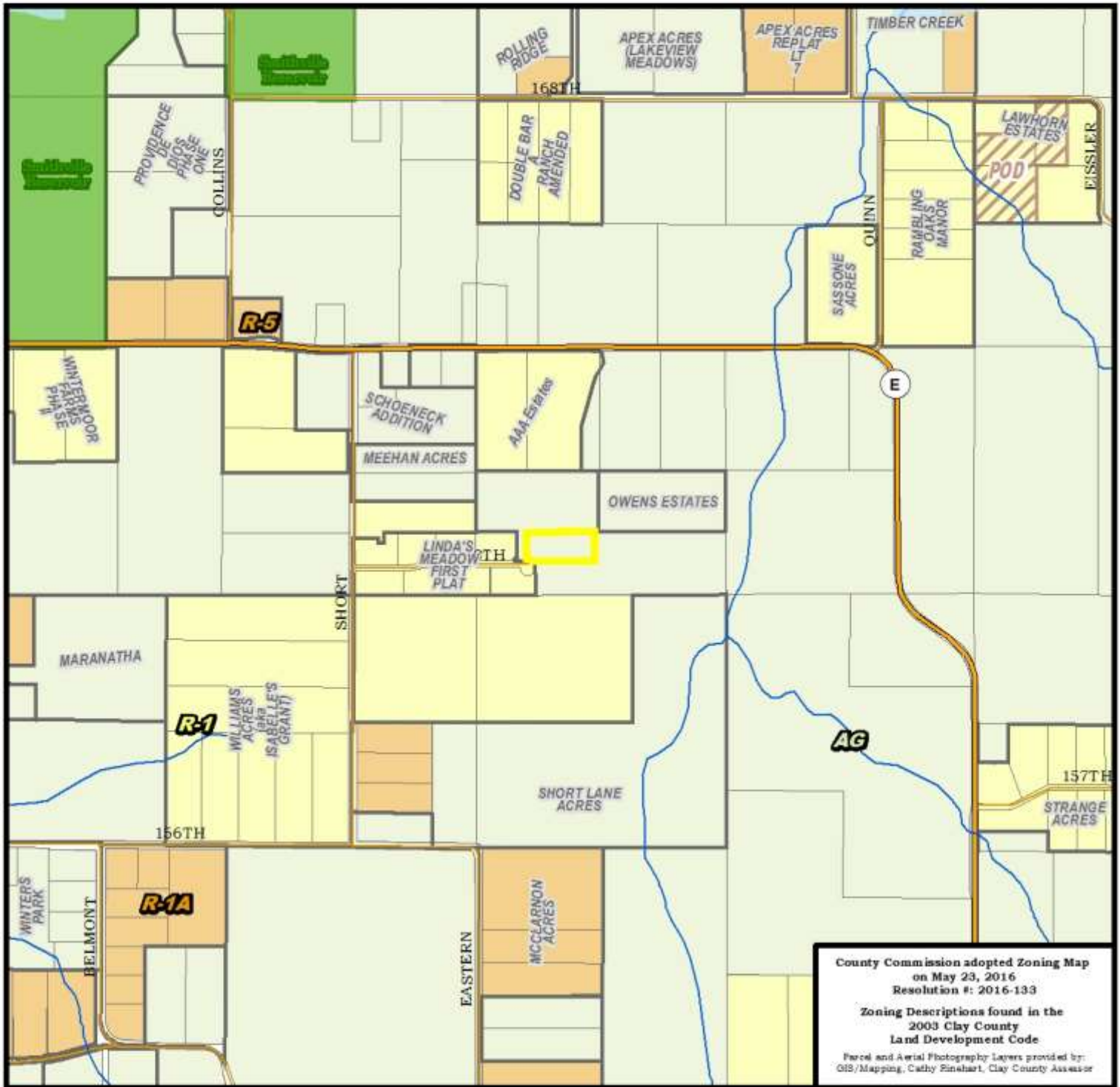
Attachments

TOWNSHIP 53N • RANGE 32W



Nov 16-138RZ/P – Logan's Place

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on May 23, 2016
Resolution #: 2016-133
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Sinschert, Clay County Assessor

Planning & Zoning Department

1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

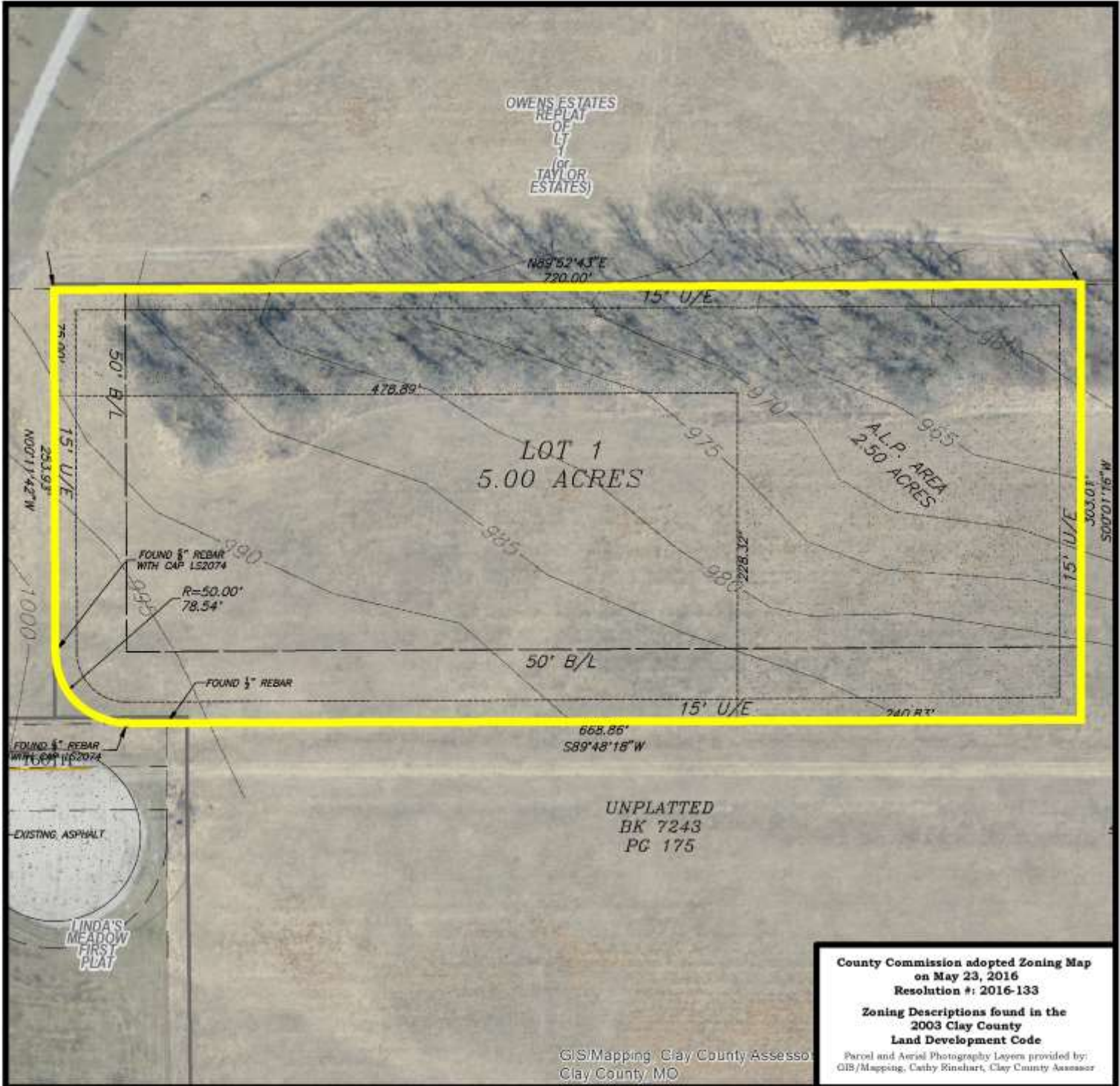
- Property Line
- Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- 2016 City Limits
- Parks
- County Boundaries

- Overlay Districts**
 - CD (Conservation District)
 - POD (Preservation Overlay District)
 - PUD (Planned Unit Development)

- Zoning Districts**
 - AG
 - R-1
 - R-1A/R-5
 - R-1B/RU
 - R-3
 - C-1
 - C-2
 - C-3
 - I-1
 - I-2
 - OP

Nov 16-138RZ/P – Logan's Place

Attachment C - Site Plan Map



County Commission adopted Zoning Map
on May 23, 2016
Resolution #: 2016-133
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

GIS/Mapping, Clay County Assessor
Clay County, MO



Planning & Zoning Department



1 inch = 100 feet
1 inch = 0.02 miles

LEGEND

- | | | |
|---------------|----------------|-------------------|
| Property Line | Roads | Subdivisions |
| Streams (EPA) | Interstates | 2016 City Limits |
| Railroads | State Highways | Parks |
| | Local Roads | County Boundaries |
| | Highway Ramps | |